

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



February 10, 2014

Johnathan R. Hurst
Building Official
City of Arroyo Grande
300 E. Branch Street
Arroyo Grande, CA 93420

RE: Ordinance #657

Dear Mr. Hurst:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on February 5, 2014.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez", is written over a horizontal line.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

O'Brien, Laurie@DGS

From: John Hurst <jhurst@arroyogrande.org>
Sent: Wednesday, February 05, 2014 9:41 AM
To: OrdinanceFilings@DGS
Subject: City of Arroyo Grande
Attachments: 2013 Code Adoption Ordinance.pdf

Attached is the complete ordinance with number & signatures.

Thanks for the phone call!!

*Johnathan R. Hurst
Building Official
City of Arroyo Grande*

ORDINANCE NO. 657

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING PORTIONS OF ARROYO GRANDE MUNICIPAL CODE CHAPTERS 8.04 AND 8.08 RELATED TO THE ADOPTION OF THE CALIFORNIA FIRE CODE AND INTERNATIONAL FIRE CODE; AND AMENDING PORTIONS OF CHAPTER 15.04 RELATED TO THE ADOPTION OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA GREEN BUILDING CODE CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA ENERGY CODE, CALIFORNIA HISTORICAL BUILDING CODE AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, the City of Arroyo Grande ("City") is a municipal corporation organized under the laws of the State of California; and

WHEREAS, pursuant to California Health and Safety Code Section 17921, the State of California ("State") must adopt and enforce regulations for the protection of the public governing the construction, alteration, demolition, occupancy, or other use of buildings; and

WHEREAS, pursuant to California Health and Safety Code Section 17958, cities may adopt ordinances imposing the California Building Standards requirements as established by the State; and

WHEREAS, the City desires to amend its municipal code to adopt more recent editions of the California Building Standards codes established by the State; and

WHEREAS, pursuant to California Health and Safety Code Section 17958.7, a city may modify the State code requirements if it makes express findings that such modification is reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the City Council finds that in order to enhance the public health, safety and welfare it is in the best interest of the community to require the use of waterless urinals at certain commercial business locations having a regular restroom maintenance schedule; and

WHEREAS, the City Council further finds that the requirement for the use of waterless urinals at these locations will protect the environment by promoting the efficient use of water as a natural resource, by reducing local demand for water, and by reducing energy usage resulting from the decreased need to treat wastewater discharge in the municipal sewer system.; and

WHEREAS, it is the desire and intent of the City Council to provide citizens with the greatest degree of protection from fire; and

WHEREAS, the State Fire Marshall has determined that there is a serious fire and safety hazard associated with sky lanterns, which includes the potential to start unintended fires; and

WHEREAS, the City Council desires to protect the lands, fields, buildings and homes within the City of Arroyo Grande from the danger of fire by prohibiting the igniting and launching sky lanterns; and

WHEREAS, additionally, by this Ordinance, the City Council desires to make general corrections to its municipal code in order to ensure internal consistency with other modifications set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Arroyo Grande as follows:

SECTION 1. The above recitals and findings are true and correct and are incorporated herein by this reference.

SECTION 2. That each of the changes or modifications to measures referred to herein are reasonably necessary because of local climatic, geographical, or topographical conditions in the area encompassed by the boundaries of the City of Arroyo Grande and the findings set forth in Exhibit "A", attached hereto and incorporated herein, are hereby adopted and support the local necessity for the changes or modifications.

SECTION 3. Arroyo Grande Municipal Code ("AGMC") Section 8.04.010, entitled "Adoption of the California Fire Code", is hereby amended as follows:

8.04.010 Adoption of California Fire Code.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the 2013 California Fire Code, including Appendix Chapters 4, A, B, BB, C, CC, D, and H the 2012 International Fire Code, and the 2012 International Property Maintenance Code as published by the International Code Council, the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by the rest of this chapter, one copy of which has been and is now filed in the office of building and life safety of the city of Arroyo Grande and the same is hereby adopted and incorporated as fully as if set out in full herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the city of Arroyo Grande.

SECTION 4. AGMC Section 8.04.016, entitled "Section 109.3 Amended: Violation Penalties", is hereby amended as follows:

8.04.016 Section 109.4 amended: Violation penalties.

A. Section 109.4 of the 2013 California Fire Code is amended to read as follows:

Persons who shall violate the provisions of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do

work in violation of the approved construction documents or directive of the fire chief or the building official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 [one thousand] dollars or by imprisonment not exceeding six months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 5. AGMC Section 8.04.018, entitled "Section 114.4 amended: Failure to comply", is hereby amended as follows:

8.04.018 Section 111.4 amended: Failure to comply.

- A. Section 111.4 of the 2013 California Fire Code is amended in its entirety to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than triple the amount charged for the original permit fee(s) or \$1,000, provided, however, that the maximum fine shall not exceed \$1,000. Each day that a violation continues shall be deemed a separate offense.

SECTION 6. AGMC Section 8.04.020, entitled "Section 903 amended – Approved automatic sprinkler systems" is hereby amended as follows:

8.04.020 Section 903 amended - Approved automatic sprinkler systems.

- A. Section 903.2 of the 2013 California Fire Code is amended in its entirety to

Show Desktop.scf read as follows:

Approved automatic sprinkler systems shall be installed in the following locations:

1. In all new buildings and structures that exceed 1,000 square feet, except group R-3 and U occupancies and agricultural buildings.
2. In additions or alterations for all buildings or structures as follows:
 - a. Throughout structures where additions to existing buildings adds more than 50% of the existing square footage to the structure AND results in a total square footage in excess of 1,000 (one thousand) square feet;
 - b. Throughout existing structures where alterations encompass more than 50% of the existing square footage of the structure AND is in excess of 1,000 (one thousand) square feet OR where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;

- c. These requirements will be applicable to the combined square footage of all building permits issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure.

SECTION 7. AGMC Section 8.04.022, entitled "Appendix D 2010 California Fire Code section D107.1", is hereby amended as follows:

8.04.022 Appendix D 2013 California Fire Code Section D107.1.

Appendix D 2013 California Fire Code section D107.1 is hereby amended as follows: delete exception 1.

SECTION 8. AGMC Section 8.04.026, entitled "Definitions", is hereby amended to read as follows:

8.04.026 Definitions.

- A. Whenever the word "jurisdiction" is used in the California Fire Code or in this chapter, it shall mean the city of Arroyo Grande.
- B. Wherever the term "city council" is used in the California Fire Code or in this chapter, it shall mean the city council of the city of Arroyo Grande.
- C. **SKY LANTERN.** An airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons and airborne paper lanterns mean the same as sky lanterns.

SECTION 9. AGMC Section 8.04.032, entitled "Sky Lanterns", is hereby added as follows:

8.04.032 Sky Lanterns

Section 308.1.6 of the 2013 California Fire Code, is hereby amended by adding a new subsection, 308.1.6.3, as follows:

308.1.6.3 Sky lanterns. The ignition and launching of sky lanterns is prohibited.

Exceptions:

(1) Upon approval of the fire code official, sky lanterns may be used under the following conditions:

- (a) When necessary for religious or cultural ceremonies and adequate safeguards have been taken in the discretion of the fire code official. Sky Lanterns must be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

SECTION 10. AGMC Section 8.04.028, entitled "Amendments – 2009 International Property Maintenance Code", is hereby amended as follows:

8.04.028 Amendments - 2012 International Property Maintenance Code.

- A. All references within the code to the International Code, as adopted by Section 15.04.010(J), shall read: California Code.
- B. The following section of the 2012 International Property Maintenance Code is amended in its entirety to read as follows:

Section 112.4—Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than triple the amount charged for the original permit fee(s) or \$1,000 provided, however, that the maximum fine shall not exceed \$1,000. Each day that a violation continues shall be deemed a separate offense.

SECTION 11. AGMC Section 8.04.030, entitled "Section 103 amended – Fees", is hereby amended as follows:

8.04.030 Section 103 amended - Fees.

Section 103.5 of the 2012 International Property Maintenance Code, entitled "Fees," is amended in its entirety to read as follows:

103.5 Fees. The fees for activities and services performed by this department in carrying out its responsibilities under this code shall be set and amended from time to time by resolution of the City Council.

SECTION 12. AGMC Section 8.08.020, entitled "Amendment to Fire Code", is hereby amended as follows:

8.08.020 Amendment to Fire Code.

California Fire Code Chapter 56 is amended to add the following provisions regarding the sale and use of fireworks, Class C ("Safe and Sane").

SECTION 13. AGMC Section 15.04.010, entitled "Building and construction codes adopted", is hereby amended as follows:

15.04.010 Building and construction codes adopted.

- A. California Building Code. The 2013 California Building Code, including the 2012 International Building Code and Appendix Chapters , B, G, I and J, as

amended, is adopted by the city of Arroyo Grande and incorporated herein by this reference as though set forth in full.

- B. California Residential Code. The 2013 California Residential Code, including the 2009 International Residential Code and Appendix chapters G, H, J, and K, as amended, is adopted by the city of Arroyo Grande and incorporated herein by this reference as though set forth in full.
- C. California Electrical Code. The 2013 California Electrical Code is adopted by the city of Arroyo Grande and incorporated herein by this reference as though set forth in full.
- D. California Mechanical Code. The 2013 California Mechanical Code, including all of the appendix chapters, is adopted by the city of Arroyo Grande and incorporated herein by this reference as though set forth in full.
- E. California Plumbing Code. The 2013 California Plumbing Code, as amended, including all of the appendix chapters, is adopted by the city of Arroyo Grande and incorporated herein by this reference as though set forth in full.
- F. California Energy Code. The 2010 California Energy Code, including all of the appendix chapters, is adopted by the city of Arroyo Grande and incorporated herein by this reference as though set forth in full.
- G. California Historical Building Code. The 2013 California Historical Building Code, including all appendix chapters, is adopted by the city of Arroyo Grande and incorporated herein by reference as though set forth in full.
- H. California Existing Building Code. The 2013 California Existing Building Code is adopted by the city of Arroyo Grande and incorporated herein by this reference as though set forth in full.
- I. California Green Building Code. The 2013 California Green Building Code, without appendices, is adopted by the city of Arroyo Grande and incorporated herein by this reference as though set forth in full.
- J. International Property Maintenance Code. The 2012 International Property Maintenance Code, as amended, is adopted by the city of Arroyo Grande and incorporated herein by this reference as though set forth in full.

SECTION 14. AGMC Section 15.04.024, entitled "Section 903.2: Approved automatic sprinkler systems", is hereby amended as follows:

15.04.024 Section 903.2 amended: Approved automatic sprinkler systems.

- A. Section 903.2 of the 2013 California Building Code is amended in its entirety to read as follows:
Approved automatic sprinklers systems shall be installed:
 - 1. In all new buildings and structures that exceed 1,000 square feet, except group R-3 and U occupancies and agricultural buildings.
 - 2. In additions or alterations for all buildings or structures as follows:
 - a. Throughout structures where additions to existing buildings adds more than 50% of the existing square footage to the structure AND results in a total square footage in excess of 1,000 (one thousand) square feet;

- b. Throughout existing structures where alterations encompass more than 50% of the existing square footage of the structure AND is in excess of 1,000 (one thousand) square feet OR where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
- c. These requirements will be applicable to the combined square footage of all building permits issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure.

SECTION 15. AGMC Section 15.04.026, entitled "Section R313 of the 2010 California Residential Code", is hereby amended as follows:

15.04.026 Section R313 of the 2013 California Residential Code.

Section R313 of the 2013 California Residential Code is hereby amended as follows:

R313.1. Townhouse automatic fire systems. An automatic residential fire sprinkler system shall be installed in townhouses as follows:

- A. In all R-3 and U occupancies private garages and carports accessory to:
 - 1. Including all attached structures;
 - 2. Including all structures within 10 feet
- B. In additions or alterations for all buildings or structures as follows:
 - 1. Throughout structures where additions to existing buildings adds more than 50% of the existing square footage to the structure AND results in a total square footage in excess of 1,000 (one thousand) square feet;
 - 2. Throughout existing structures where alterations encompass more than 50% of the existing square footage of the structure AND is in excess of 1,000 (one thousand) square feet OR where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
 - 3. These requirements will be applicable to the combined square footage of all building permits issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure.

R313.2. One and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one and two-family dwellings as follows:

- A. In all R-3 and U occupancies private garages and carports accessory to:
 - 1. Including all attached structures;
 - 2. Including all structures within 10 feet;
- B. In additions or alterations for all buildings or structures as follows:
 - 1. Throughout structures where additions to existing buildings adds more than 50% of the existing square footage to the structure AND results in a total square footage in excess of 1,000 (one thousand) square feet.

2. Throughout existing structures where alterations encompass more than 50% of the existing square footage of the structure AND is in excess of 1,000 (one thousand) square feet OR where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief.
3. These requirements will be applicable to the combined square footage of all building permits issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure.

R313.3.1.1 Required sprinkler locations. Sprinklers shall be installed to protect all areas of a dwelling unit.

Exceptions:

Delete exception 4.

SECTION 16. AGMC Section 15.04.028, entitled "Section 403.3.2 of the California Plumbing Code – Nonwater urinals installation and maintenance", is hereby added to the AGMC as follows:

15.04.028 Section 403.3.2 of the California Plumbing Code - Nonwater Urinals Installation and Maintenance.

Nonwater urinals shall be installed in all new commercial buildings anticipated for use by restaurants, fast-food restaurants, coffee shops, retail stores, movie theatres, etc. Nonwater urinals shall be installed in all restroom remodels anticipated for use by restaurants, fast-food restaurants, coffee shops, retail stores, movie theatres, etc. Retrofits at such locations shall convert existing urinals to waterless urinals. The owner of the building or manager of the business occupying the building shall provide and maintain a maintenance log near the fixture that records the frequency of seal and trap replacements. Such maintenance log shall be available during operating hours for inspection by the Building Official.

Exceptions:

1. Simple replacement of urinal fixtures where preexisting copper or other similar plumbing not conducive to the use of waterless urinals due to the potential for erosion and damage is in use.
2. Similar situations where, in the opinion of the Building Official, the use of waterless urinals is not appropriate.
3. In such situations where waterless urinals are found to be inappropriate by the Building Official based upon existing plumbing features or other preexisting conditions, the installation of High Efficiency Urinals using less than or equal to 0.5 gallons of water to convey liquid waste (urine) into the gravity drainage system shall be required.

SECTION 17. Within fifteen (15) days after passage of this Ordinance, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

SECTION 18. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

SECTION 19. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

On motion of Council Member Costello, seconded by Council Member Guthrie, and on the following roll call vote, to wit:

AYES: Council Members Costello, Guthrie, Brown, and Mayor Ferrara
NOES: None
ABSENT: None

the foregoing Ordinance was passed and adopted this 8th day of October 2013.


TONY FERRARA, MAYOR

ATTEST:


KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:


STEVEN ADAMS, CITY MANAGER

APPROVED AS TO FORM:


TIMOTHY J. CARMEL, CITY ATTORNEY

EXHIBIT "A"

Pursuant to California Health and Safety Code Sections 17958.7 and 18941.5, the City of Arroyo Grande ("City") hereby modifies and make amendments to the California Fire Code, the California Building Code, and the California Residential Code as further set forth in the attached ordinance (collectively referred to herein as "Amendments"), which Amendments are more restrictive in nature than those found in those sections adopted by the State of California and are based on the local climatic, geological, or topographical conditions and findings (collectively "Findings") referenced herein below.

The Amendments, address the fire problem(s) and building problem(s), concern(s), and future direction(s), by which the City can establish and maintain an environment which will afford an adequate level of fire and life safety protection to its citizens and guests. The Findings contained herein shall address each of the Amendments and shall present the local situation, which either singularly or in combination, create the need for the Amendments to be adopted.

CLIMATIC:

Climatically, the City has dry warm summer and early fall conditions (as well as moderate late fall and winter conditions) with dry winds which remove moisture from vegetation. Further, the City frequently experiences Santa Ana wind conditions which exacerbate fire hazards and potential spread of fire within the area, both in rural and urban settings.

Coastal ground fog is a common occurrence. This climatic condition could obscure vision, compromising early detection of fire as well as impedes radio deployment of fire equipment to and at the scene of the emergency.

GEOGRAPHIC:

Geographically, the City is located in an area prone to frequent seismic activity which has a high potential for large scale, simultaneous building and infrastructure damage, including fire. A major seismic event would create a community-wide demand on fire protection services, which would be beyond the response capability of the Fire Department. This potential problem can be partially mitigated by requiring initial fire control through the installation of automatic fire protection systems. Further, the City has numerous older and historic buildings and structures which can often fail due to moderate seismic activity. Additions, alterations and repairs of these antiquated structures need to be properly addressed.

Additionally, the many foothills and surrounding mountains are prime sites for residential development. These hillside residential sites, together with isolated rural and semi-rural settings of the City, create difficult conditions in which to provide immediate fire response.

The City is heavily vegetated throughout and encourages native wildlife protection and enhancement. As the community is developing and housing densities increase, the planting of shrubs and trees and other landscape is encouraged to beautify and enhance City living conditions. However, this increased density results in much higher fuel loads and together with increased planting, and when combined with native vegetation, significantly increases fire hazards and fire spreading from one dwelling or structure to another.

TOPOGRAPHIC:

The topographic element of these findings is closely associated with the geographical elements noted above. While the geographic features create the topographic conditions, the findings in this section are, for the most part, a result of the construction and design of the City.

Highway 101 completely traverses and bisects the City. There are only three over/underpasses allowing access to either side of the City. These physical barriers create significant barriers to emergency response.


With limited parking and as the community grows and commercial activity increases in the City, delivery and other vehicles tend to double park. When added to already narrow streets, cars parked on the sides of streets and traffic congestion (especially around rush hour), emergency response times are highly affected.

The City encourages and emphasizes affordable housing development. This creates buildings that provide minimum required clearances between structures and maximum allowable height. Although these buildings are built with more stringent standards, the reality is that this type of development creates significant barriers in terms of access and fuel load for fire fighting purposes.

OFFICIAL CERTIFICATION

I, **KELLY WETMORE**, City Clerk of the City of Arroyo Grande, County of San Luis Obispo, State of California, do hereby certify under penalty of perjury, that the attached is a true, full, and correct copy of Ordinance No. 657 which was introduced at a regular meeting of the City Council on September 24, 2013; was passed and adopted at a regular meeting of the City Council/Successor Agency on the 8th day of October 2013; and was duly published in accordance with State law (G.C. 40806).

WITNESS my hand and the Seal of the City of Arroyo Grande affixed this 9th day of October 2013.



KELLY WETMORE, CITY CLERK